



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,485	02/10/2004	Seiichi Katano	49987-1002	3224
29989 7590 04/30/2008 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110				
EXAMINER TESLOVICH, TAMARA				
ART UNIT 2137		PAPER NUMBER		
MAIL DATE 04/30/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,485

Applicant(s)

KATANO, SEIICHI

Examiner

Tamara Teslovich

Art Unit

2137

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8, 9, 11, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 11, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
- Paper No(s)/Mail Date 11.07.07.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Applicant's Remarks and Amendments filed January 17, 2008.

Claims 1 and 2 are amended.

Claims 17-28 are newly cancelled.

Claims 4-7, 10, 12-14 remain cancelled.

Claims 1-3, 8-9, 11, and 15-16 are pending and herein considered.

Response to Arguments

Applicant's amendments to claim 1 overcome the Examiner's previously set forth 35 U.S.C. 112 rejections of claims 1-3, 8-9, 11 and 15-16 as failing to comply with the written description requirement. The rejections have been withdrawn.

Applicant's arguments with respect to the Examiner's 35 U.S.C. 102(e) rejections of claims 1-3, 8-9, 11 and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-9, 11, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Application Publication No. 2002/0165894 A1 to Kashani.

As per **claim 1**, Kashani teaches a multi-function peripheral device (par 65) comprising: a network interface configured to allow the multi-function peripheral device to communicate with network devices over a network (pars 113-115); a graphical user interface configured to allow for the exchange of information between the multi-function peripheral device and a user wherein the information comprises configuration data for a virus protection process (pars 54, 64 "office environment", 67, 117; figure 7 "general self administration model"); one or more processors (pars 111, 124-126); memory (par 111, 124-126); a scan process configured to scan one or more documents at the multi-function peripheral device (par 63; figure 6 "Multi-Function Device"); a print process configured print one or more documents at the multi-function peripheral device (pars 63; figure 6 "Multi-Function Device"); and the virus protection process executing in the memory and being configured to perform the steps of: examine data stored on non-volatile memory of the multi-function peripheral device based upon the configuration data for the virus protection process (pars 120-121); based on examining the data, detect that one or more unauthorized instructions are stored on the non-volatile memory of the multi-function peripheral device (pars 120-121); and in response to detecting that the one or more unauthorized instructions have been stored on the non-volatile memory of the multi-function peripheral device: perform one or more actions to address the one

or more unauthorized instructions that have been stored on the non-volatile memory of the multi-function peripheral device based upon the configuration data for the virus protection process (pars 120-121).

As per **claim 2**, Kashani teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is configured to detect that the one or more unauthorized instructions have been stored on the multi-function peripheral device by periodically examining, according to the configuration data, data stored on the multi-function peripheral device to determine whether the data has been modified in an unauthorized manner (pars 67 "time schedule", 120-121).

As per **claim 3**, Kashani teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is configured to detect that the one or more unauthorized instructions have been stored on the multi-function peripheral device by examining and detecting the modification of data that one or more data files stored on the multi-function peripheral device, wherein the data is selected from the group consisting of one or more data files, program code, and configuration data have been modified (pars 120-121).

As per **claim 8**, Kashani teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is further configured to undo changes

made as a result of execution of the one or more unauthorized instructions (see pars 128-129 "backup").

As per **claim 9**, Kashani teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is further configured to: determine whether particular data stored on the multi-function peripheral device can be restored to a prior state and in response to determining that the particular data cannot be restored to the prior state, then delete the particular data from the multi-function peripheral device (see par 121 "quarantine" and "clear items from quarantine").

As per **claim 11**, Kashani teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is further configured to provide a notification user via the graphical user interface on the multi function peripheral device that the storage of the one or more unauthorized instructions on the multi-function peripheral device has been detected, wherein the notification is selected from the group consisting of displaying information on the graphical user interface on the multi-function peripheral device, printing a report on the multi-function peripheral device, sending an email from the multi-function peripheral device, and sending a facsimile from the multi-function peripheral device (pars 92, 120, 121).

As per **claim 15**, Kashani teaches the multi-function peripheral device as recited in Claim 1, wherein the multi-function peripheral device is configured to receive, over a

network, data used by the virus protection process to detect that the one or more unauthorized instructions have been stored on the multi-function peripheral (par 120 "virus protection which is a constantly updated device"; par 5; par 94).

As per **claim 16**, Kashani teaches the multi-function peripheral device as recited in Claim 1, wherein: the one or more unauthorized instructions are contained in a file stored on a portion of the non-volatile memory (par 121 "a document containing a virus will be placed in quarantine"); the one or more actions includes deleting the file (par 121 "quarantine" and "clear items in quarantine"); and the virus protection process is further configured to, after deleting the file, overwrite the portion of the non-volatile memory with a specified pattern (par 120).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2137

/Emmanuel L. Moise/

Application/Control Number: 10/776,485

Page 8

Art Unit: 2137

Supervisory Patent Examiner, Art Unit 2137